

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**IRON WORKERS DISTRICT COUNCIL OF
SOUTHERN OHIO & VICINITY BENEFIT
TRUST, *et al.*,**

Plaintiff,

CASE NO. 3:11-cv-152

-vs-

District Judge Timothy S. Black

MILLENNIUM STEEL, INC., *et al.*,

Defendant.

JUDGMENT IN A CIVIL CASE

[] Jury Verdict: This action came before the Court for a trial by jury. The issues have been tried and the Jury has rendered its verdict.

[X] Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered,

IT IS ORDERED AND ADJUDGED that the Plaintiffs' Motion for Default Judgment be **GRANTED IN PART AND DENIED IN PART.**

- (1) Plaintiffs are awarded judgment against Millennium Steel, Inc. and Michael K. Lauer, jointly and severally, in the known amount of \$380,786.52, together with interest, computed pursuant to Title 28 U.S.C. § 1961, and the costs of this action;
- (2) Defendants Millennium Steel and Michael K. Lauer are enjoined from committing any further violations of Section 515 of ERISA, 29 U.S.C. § 1145, with respect to Plaintiffs;
- (3) Millennium Steel and Michael K. Lauer shall timely submit all employer reporting forms and payments, including any reports and payments that are currently outstanding as required per the agreement(s) with Plaintiffs;
- (4) Millennium Steel shall post a bond with Plaintiffs as required pursuant to the Trusts' Collection Policy;

- (5) Millennium Steel and Michael K. Lauer shall comply with Plaintiffs' auditor's requests request to examine and review the documents necessary to complete a payroll audit, at Millennium Steel's and Michael K. Lauer's joint and several expense;
- (6) Michael K. Lauer has breached his fiduciary duties owed to the Trusts;
- (7) Michael K. Lauer has engaged in one or more prohibited transactions in violation of ERISA, with respect to the Trusts;
- (8) Michael K. Lauer is jointly and severally liable with Millennium Steel to reimburse the Trusts for all losses resulting from each such breach pursuant to Section 409(a) of ERISA, 29 U.S.C. § 1009(a), including all delinquent contributions, interest, liquidated damages, costs, and attorneys' fees;
- (9) the Trusts are entitled to an accounting of all of Millennium Steel's delinquent contributions caused by Michael K. Lauer's orders or direction, and to an accounting of all losses suffered by the Trusts and their participants as a result of Mr. Lauer's fiduciary breach and prohibited transactions, with Mr. Lauer to pay the costs of such accounting; and
- (10) Michael K. Lauer and/or Millennium Steel shall disgorge any and all ill-gotten gains, including employer contributions that have been wrongfully withheld from the Trusts.

Date: December 6, 2011

JAMES BONINI, CLERK

By: s/ M. Rogers
Deputy Clerk